

FORM PTO-1390  
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

WACHP002

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

10/511,688

INTERNATIONAL APPLICATION NO.  
PCT/EP03/03803INTERNATIONAL FILING DATE  
April 11, 2003PRIORITY DATE CLAIMED  
April 15, 2002TITLE OF INVENTION  
OPTIMIZATION OF COMPILER-GENERATED PROGRAM CODE

APPLICANT(S) FOR DO/EO/US Michael BALDISCHWEILER and Werner NESS

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:

Other items: Communication to the United States Designated/Elected Office (DO/EO/US)  
Copy of Notification of Missing Requirements under 35 USC 371  
Postcard Receipt  
Check No. 14226 in the amount of \$300.00

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)  
10/511,688

INTERNATIONAL APPLICATION NO.  
PCT/EP03/03803

ATTORNEY'S DOCKET NUMBER  
WACHP002

21. ☐ The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO. . . . . \$1080.00

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO . . . . . \$920.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO . . . . . \$770.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) . . . . . \$730.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
and all claims satisfied provisions of PCT Article 33(1)-(4) . . . . . \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months  
from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	20 - 20 =	00	x \$18.00
Independent claims	03 - 3 =	00	x \$86.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$290.00

**TOTAL OF ABOVE CALCULATIONS =**

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above  
are reduced by 1/2.

**SUBTOTAL =**

Processing fee of \$130.00 for furnishing the English translation later than 30 months  
from the earliest claimed priority date (37 CFR 1.492(f)).

**TOTAL NATIONAL FEE =**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

**TOTAL FEES ENCLOSED =**

**CALCULATIONS PTO USE ONLY**

\$

\$ 130.00

\$

\$

\$

\$

\$

\$

\$ 130.00

\$ 130.00

\$ 260.00

\$ 40.00

\$ 300.00

Amount to be refunded: \$

charged: \$

a. ☒ A check in the amount of \$ 300.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. in the amount of \$ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 50-0805. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card  
information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a)  
or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

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Customer Number 25,920

SIGNATURE

Rick von Wohld, Esq.

NAME

48,018

REGISTRATION NUMBER



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/511,688	Michael Baldischweiler	WACHP002

INTERNATIONAL APPLICATION NO.
PCT/EP03/03803

LA. FILING DATE	PRIORITY DATE
04/11/2003	04/15/2002

25920  
 MARTINE PENILLA & GENCARELLA, LLP  
 710 LAKEWAY DRIVE  
 SUITE 200  
 SUNNYVALE, CA 94085

CONFIRMATION NO. 4067

## 371 FORMALITIES LETTER



\*OC000000015738908\*

Date Mailed: 04/18/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/14/2004
- Copy of the International Search Report filed on 10/14/2004
- U.S. Basic National Fees filed on 10/14/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/511,688	PCT/EP03/03803	WACHP002

FORM PCT/DO/EO/905 (371 Formalities Notice)

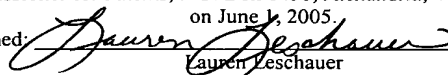
10/511688  
06 JUN 2005  
PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/511,688  
Applicants: : Baldischweiler et al.  
Filed: :  
Title: : OPTIMIZATION OF COMPILER-  
GENERATED PROGRAM CODE  
  
TC/A.U. : Unknown  
Examiner : Unassigned  
  
Atty. Docket No. : WACHP002  
Date : June 1, 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 1, 2005.

Signed:

  
Lauren Leschauer


COMMUNICATION TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Commissioner of Patents  
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith the English language translation of International Application PCT/EP03/03803, as filed. When U.S. Patent Application No. 10/511,688 was filed under 35 USC §371, on October 14, 2004, Applicants inadvertantly submitted an English language translation of PCT/EP03/03803 *as amended* by the Preliminary Amendment submitted herewith. Applicants therefore rectify the error by submitting herewith the English language translation of PCT/EP03/03803 *as filed*, along with the \$130.00 processing fee. The accompanying Preliminary Amendment is filed to amend the English language translation of PCT/EP03/03803 as filed.

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, LLP

  
Rick von Wohld, Esq.  
Reg. No. 48,018

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